

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

IN THE MATTER OF:

**PETITION FOR REVIEW OF
THE STATE CERTIFICATION
OF LOS ALAMOS NATIONAL LABORATORY
INDIVIDUAL STORMWATER PERMIT
NPDES PERMIT NO. NM0030759**

No. SWQB 20-78

**Newport News Nuclear BWXT-Los
Alamos, LLC and United States Department of Energy,**

Petitioners.

SETTLEMENT AGREEMENT

This Settlement Agreement is made between the Surface Water Quality Bureau of the New Mexico Environment Department (“Department”), Newport News Nuclear BWXT-Los Alamos, LLC (“N3B”), and the United States Department of Energy (“DOE”) (collectively, “Petitioners”), to settle and resolve the issues raised in *Newport News Nuclear BWXT-Los Alamos, LLC’s and the United States Department of Energy Petition for Review*, filed December 30, 2020 (“*Petition*”).

The parties agree that this matter and all issues raised in the *Petition* shall be settled and resolved without a hearing based upon: (1) the Department’s Los Alamos National Laboratory Individual Stormwater Permit NPDES Permit No. NM0030759 Settlement Conditions, SWQB 20-78 (“Settlement Conditions”); and (2) the parties’ PFAS sampling arrangement specified in this Settlement Agreement. The Settlement Conditions are attached to this Settlement Agreement as Exhibit “A.” The Sampling and Reporting Plan for Per- and Polyfluoroalkyl Substances in Storm Water is attached to this Settlement Agreement as Exhibit “B.” The Department shall: (1) notify the U.S. Environmental Protection Agency (“EPA”) Region 6 of the attached Settlement Conditions and (2) issue a modified Clean Water Act Section 401 certification of NPDES Permit No. NM0030759 that contains the Settlement Conditions pursuant to a Stipulated Final Order of

the Secretary incorporating this Settlement Agreement. The Department shall forward the modified certification to EPA Region 6 for inclusion in the final NPDES permit.

In executing this Settlement Agreement, the Department does not admit to the allegations, factual assertions, or legal conclusions contained in the Petition, and Petitioners do not admit to the allegations, factual assertions, or legal conclusions contained in the Department's 401 certification conditions. Furthermore, the Department and Petitioners do not waive their right to challenge any of those allegations, factual assertions, or legal conclusions in any future proceeding.

Notwithstanding the foregoing, the parties agree not to challenge any condition that is an accurate reflection of any of the Settlement Conditions contained in Exhibit A in the final NPDES Permit No. NM0030759 issued by EPA at the conclusion of this matter.

Respectfully Submitted this 13th day of December 2021,
NEW MEXICO ENVIRONMENT DEPARTMENT

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